SIRS:

Please take notice of an

of which the within is a copy, this day duly entered in the office of the Clerk of the County of Erie.

Dated, Buffalo, N. Y. 193

Yours, etc.

DREW & DREW

Attorneys for

Office and Post-Office Address

395 Ellicott Square

BUFFALO, N. Y.

To

Attorney for

9,372 O.K. J.V.N.

State of New York

SURROGATE'S COURT

COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION

OF

J. EDWARD NASH

AS EXECUTOR OF THE ESTATE OF WILLIAM H. TALBERT, etc.

ORIGINAL

ORDER

DREW & DREW

Attorneys for EXECUTOR

Office and Post-Office Address

395 Ellicott Square

BUFFALO, N. Y.

Due and Personal service of a copy of the within

and notice of entry is admitted this

day of 193

Attorney for

EAGLE STATIONERY CORPORATION PUBLISHERS BUFFALO, N. Y.

SURROGATE'S OFFICE
ERIE COUNTY, N. Y.
Recorded in Liber 474
M. & O. at page 19 of
This 14 day Aug. 1934
and examined.
J. J. Vandermeulen
Clerk

FILED SURROGATE'S OFFICE AUG 14 1934 ERIE CO. N.Y.

Scanned by CamScanner

State of New York
County of Erie
City of Buffalo
} ss.

being duly sworn,
deposes and says that he is in this action,
that he has read the foregoing
and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this
day of 193 .

Commissioner of Deeds in and for the City of Buffalo, N. Y.
Notary Public, Erie County, N. Y.

COURT.

against

Affidavit of Service

STATE OF NEW YORK,
COUNTY OF
OF
} SS:

being duly sworn, deposes and says that he served
the within upon the following named
at the following times and places, viz:
on 193 at N. Y.
on 193 at N. Y.
on 193 at N. Y.
on 193 at N. Y.
by delivering to and leaving with personally a true copy thereof, and deponent
further says that he knew the person so served to be the same person mentioned and described in
the said as therein, and that at the
times of making such services deponent was over eighteen years of age.

Sworn to before me, this
day of 193

Commissioner of Deeds in and for the City of Buffalo, N. Y.
Notary Public, Erie County, N. Y.

No. 91372

William H. [illegible]

Scanned by CamScanner

SURROGATE'S COURT :

COUNTY OF ERIE : STATE OF NEW YORK :

IN THE MATTER OF THE APPLICATION

OF

J. EDWARD NASH

AS EXECUTOR OF THE ESTATE OF WILLIAM H. TALBERT, DECEASED, FOR A DECREE TO SELL THE REAL PROPERTY OF SAID DECEDENT.

J. Edward Nash, the executor of the Last Will and Testament of William H. Talbert late of the City of Buffalo, deceased, having heretofore duly presented to the Surrogate of the County of Erie a petition verified the 23 day of March 1933 setting forth facts showing that the personal property left by the said deceased is insufficient for the payment of the just demands and charges against the same and praying that an order be granted directing the sale of the real property of said decedent for the payment of his just debts and funeral expenses and for the payment of the reasonable expenses of the administration as allowed in accordance with Section 234 of the Surrogate's Court Act, and a citation having been duly issued out of said court requiring Elizabeth Brown Talbert; Sarah May Talbert Keenan; Mary Yvette Keenan; Anna Walton Jordon and the State Federation of Colored Womans Clubs to show cause before said Surrogate's Court on the 15th day of May, 1933 why said petition should not be granted and having been returned with proof of due service thereof on each of the persons named therein or with waivers by them of the issurence and service of said citations and the said petitioner having duly appeared herein by Florence Farrington, his attorney and the respondant Elizabeth Talbert having appeared by Drew & Drew, her attorneys and Sarah

Scanned by CamScanner

May Talbert Keenan having appeared by Edward Schwartz her attorney, Anna Walton Jordon having appeared by Mr. Emblige of Kenefick, Cook, Mitchall, Bass & Letchworth her attorneys and the said Surrogate having by an order duly made and entered herein appointed Maynard Schaus as Special Guardian for Mary Yvette Keenan an infant and he having filed his report herein and the allegations and proofs of the parties having been heard and after due examination as aforesaid it having been established to the satisfaction of the Surrogate:

FIRST: That the said petitioner has duly complied with the requisite provisions of the Statutes concerning the disposition of all decedent's real property for the payment of his debts, funeral expenses and administration expenses and that the proceeds herein have been in conformity with Section 234 of the Surrogate's Court Act.

SECOND: That the amounts and general nature of the various claims and demands which have been admitted or proved are as follows:

Buffalo Trust Company (box rent)	$15.00
Cleveland Gazette	6.00
F. Ehrlick, plumber, 521 Michigan Ave.,	5.12
Dr. A. D. Carpenter	48.50
Iroquois Gas Corporation	20.60
Elizabeth Talbert for moneys advanced for payment of funeral expenses	506.00
Dr. Reynolds for medical services	3.00

THIRD: That the claims above allowed amount in the aggregate exclusive of interest to Six hundred four dollars and twenty-two cents plus administration expenses and that none of them are secured by any judgment or mortgage which is a lien upon the decedent's real property.

FOURTH: That the said decedent at the time of his death did not own or possess personal property in the excess of Two hundred eighty-eight as appears in the accounting and that the personal property left by said decedent is insufficient for the payment of the claims and demands above set forth. That a

Scanned by CamScanner

description of the property to be disposed of in this proceeding is as follows:-

PARCEL A

515-519-521 MICHIGAN AVENUE

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being parts of subdivision lots numbers fifty-two (52) and Fifty-three (53) of the outer lot number one hundred seventeen (117) more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of Michigan Street distant twenty-one (21) feet and three (3) inches northerly from its intersection with the southerly bounds of said subdivision lot number fifty-two (52); running thence northerly and along the said easterly line of Michigan Street twenty-one (21) feet and three (3) inches; thence easterly and parallel to said Northerly boundary of subdivision Lot number fifty-two (52) about one hundred four (104) feet to the easterly boundary of said subdivision lot number fifty-three (53); thence southerly along the easterly boundary of said subdivision Lots numbers fifty-two (52) and fifty-three (53) about twenty-one (21) feet and nine (9) inches; thence westerly and parallel to the said southerly boundary of said subdivision lot number fifty-two (52) about one hundred ten (110) feet to the said easterly line of Michigan Street at the point of beginning.

PARCEL B

Also a part of said subdivision lot number fifty-three (53) more particularly bounded and described as follows:

Beginning at a point in the easterly line of Michigan Street distant two hundred sixty-one (261) feet and nine (9) inches northerly from its intersection with thee northerly line of Gay Street; running thence southerly along the said easterly line of Michigan Street twenty-one (21) feet and nine (9) inches; thence easterly along the northerly bounds of subdivision lot number fifty-two (52) one hundred and four (104) feet to the westerly bounds of subdivision lot number fifty-seven (57); thence northerly along the westerly bounds of said subdivision lot number fifty-seven (57) to a point twenty-one (21) feet and nine (9) inches northerly in a direct line at right angles from southerly boundary line of the premises hereby conveyed and thence westerly about ninety-nine (99) feet to the said easterly line of Michigan Street at point of beginning.

PARCEL C

All that tract or parcel of land, situate lying and being in the City of Buffalo, County of Erie and State of New York, known as part of subdivision lot number fifty-two of the outer lot number one hundred seventeen (117) bounded as follows:

COMMENCING at a point in the easterly line of Michigan Street, being the point of intersection of the southerly and westerly boundary of said subdivision lot number fifty-two (52); thence northerly along

Scanned by CamScanner

the easterly line of Michigan Street, twenty-one (21) feet and three (3) inches; thence easterly and parallel to the southerly boundary of said subdivision lot number fifty-two about one hundred ten (110) feet to the easterly line of said subdivision lot; thence southerly along said easterly line of said subdivision lot twenty-one (21) feet and nine (9) inches to the southerly line of said subdivision lot and thence westerly along said southerly line one hundred fifteen (115) feet to the place of beginning.

FIFTH: That a proper case has been made for the disposition of decedent's real estate on account of the deficiency of all his personal estate for the purpose of paying his just debts, funderal expenses and expenses of administration.

SIXTH:- That Mary Yvette Keenan, one of the parties to this proceeding and one of the heirs at law or devisees of the said William H. Talbert deceased is an infant and that a proper case has been made for the disposition of decedent's estate for the purpose of payment and distribution of their respective shares to the parties entitled thereto and after hearing Florence Farrington of counsel for the petitioner in support of said application and Edna M. Drew of counsel for the respondent Elizabeth Talbert in opposition thereto, in opposition to the sale of Parcel 'D' in the petition better known as 116-118 Northland Avenue and all others represented having consented to said sale.

NOW ON MOTION of Edna M. Drew, attorney for said petitioner, it is ORDERED, ADJUDGED and DECREED:

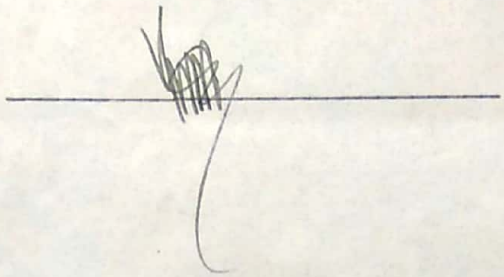
I. That the claims and demands of the creditors hereinbefore named in the amounts respectively stated are valid and subsisting claims and demands against said decedent's estate.

II. That for the purpose of paying the debts and administration expenses herein established, a sale of the hereinbefore described real property of which said decedent died seized, be made by j. Edward Nash, the said executor.

III. That the purchaser of said premises pay ~~xx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ the proceeds of sale of said real property to ~~xxxxxxxxxxxxx~~ J. Edward Nash as executor of the Last

Will and Testament of the said William H. Talbert deceased subject to the further order of this court.

IV. That the sale of the above described real property may be made at public or private sale.



Scanned by CamScanner